

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**LUIS JOSE APONTE and  
CHRISTIAN TAPIA-VALENTIN,**

**Defendants.**

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**8:09CR46**

**ORDER**

This matter is before the court on the motion for an extension of time by defendant Luis Jose Aponte (Aponte) (Filing No. 23). Aponte seeks until April 1, 2009, in which to file pretrial motions in accordance with the progression order. Aponte's counsel represents that Aponte will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted as to both defendants.

**IT IS ORDERED:**

Defendant Aponte's motion for an extension of time (Filing No. 23) is granted. **All defendants** are given until **on or before April 1, 2009**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 20, 2009 and April 1, 2009**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 20th day of March, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge